

MEMO ENDORSED

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August 23, 2007

VIA FACSIMILE: (212) 805-7949

The Honorable P. Kevin Castel
United States District Court
Southern District of New York
500 Pearl St., Room 2260
New York, NY 10007

USDS SDNY
DOCUMENT
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Re: Pattonium, Inc. v. J&D Associates, LLC, North American
Concerts, Corp., Edward Morelli, North American Concerts, Inc.
(Index No. 07 CIV 6204 (PKC))

Dear Judge Castel:

We are the attorneys for the Plaintiff in the above-captioned action. Permission to deliver this letter by facsimile was obtained from Your Honor's Law Clerk on August 20, 2007.

Pursuant to the Court's Order dated August 15, 2007, we are writing with respect to the amendment of our client's Amended Complaint, to specifically allege the citizenship of the members of the Defendant, J&D Associates, LLC ("J&D").

We respectfully request the Court's direction regarding the filing of the Second Amended Complaint, which is annexed hereto. The only change to the Amended Complaint is in paragraph 2, which sets forth the citizenship of both of the members of the LLC.

Since the Complaint had previously been amended pursuant to Federal Rule of Civil Procedure 15(a), this second amendment requires leave of the Court or consent of the parties. All of the Defendants have been served with the Amended Complaint, but no Answer has been interposed. We have not

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been able to obtain consent from the Defendants, who have refused, or from J&D's Michigan counsel, who states that they are not representing J&D in New York.

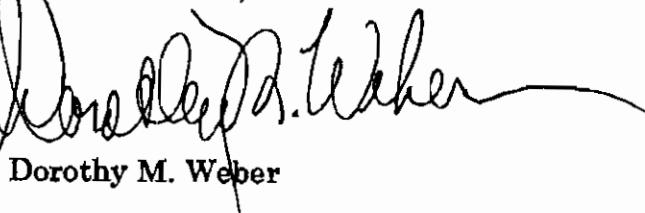
In the event that the Order of August 15, 2007 does not constitute leave to make this amendment, we respectfully request that this letter be considered as Plaintiff's compliance with Rule 2.A.1 of Your Honor's Individual Practices. We request a pre-motion conference so that Plaintiff can move to amend the Complaint pursuant to Rule 15(a). Plaintiff submits that such a motion is appropriate since leave to amend should be freely given when justice so requires (Fed. Rule Civ. Proc. 15(a), Foman v. Davis, 371 U.S. 178, 83 S.Ct. 227), particularly where, as here, it is at the inception of the litigation.

*Preliminary injunction
waived. Leave to amend
is granted. Second Amended
complaint may be
filed. SIGNED
MSD
8-30-07*

Enclosure

Respectfully submitted,

SHUKAT, ARROW, HAVER, WEBER
& HERBSMAN, LLP


Dorothy M. Weber

cc: J&D Associates, LLC (via first-class mail)
Vanessa Miller, Foley & Lardner LLP (via facsimile)
North American Concerts, Corp. (via facsimile & first-class mail)
Edward Morelli (via facsimile & first-class mail)
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